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SJC-12588

KAROL E. SIMONTON, petitioner.

December 11, 2019.

Habeas Corpus. Practice, Criminal, Postconviction relief.

Karol E. Simonton appeals from a judgment of the county court denying, without a hearing, his petition for a writ of habeas corpus. In 1999, Simonton pleaded guilty to rape and other offenses and was sentenced to the State prison. In 2018, he filed his petition, in which he alleged that he was denied a speedy trial, that the indictments were known by the judge to be fatally defective, that the judge failed to examine whether the Superior Court had competent jurisdiction over the case and over Simonton, and that his plea was coerced. A petition for a writ of habeas corpus, however, must be based on "grounds distinct from the issues at the indictment, trial, conviction, or sentencing stage." See, e.g., Soura, petitioner, 436 Mass. 1003, 1003-1004 (2002); Averett, petitioner, 404 Mass. 28, 30 (1989). See also G. L. c. 248, § 25 ("court shall have no power to issue a writ of habeas corpus, at its discretion for . . . a person who is imprisoned . . . pursuant to a criminal conviction"). As all of Simonton's claims "center[] on the criminal proceedings against him," they are inappropriate for habeas corpus relief. Aldrich, petitioner, 459 Mass. 1001, 1002 (2011). Rather, a motion for a new trial in the Superior Court pursuant to Mass. R. Crim. P. 30, as appearing in 435 Mass. 1501 (2001), is the proper vehicle for raising such claims. Aldrich, petitioner, supra. The single justice correctly denied habeas corpus relief for these reasons.

Judgment affirmed.

The case was submitted on briefs.

Karol E. Simonton, pro se.

Matthew P. Landry, Assistant Attorney General, for the  
respondent.